

10/533858

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Express Mail No.: ER 930263668 US Docket No. 21478USWO (C038435/0187441)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS  
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT  
COOPERATION TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371

*In re* Application of: )  
Daniel RAEDERSTORFF *et al.* )  
Based on Int'l Application No.: PCT/EP2003/010838 ) Examiner: Not yet assigned  
International Filing Date: 30 September 2003 ) Art Unit: Not yet assigned  
Filed: Herewith )  
For: **NOVEL NUTRACEUTICAL COMPOSITIONS** )  
**COMPRISING EPIGALLOCATECHIN** )  
**GALLATE** )

New York, New York  
May 5, 2005

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants wish to make of record the following documents (clean copies and a Form PTO-1449 listing the documents are enclosed). The following documents were cited in the International Search Report, mailed June 1, 2004, in the International application corresponding to the above-captioned case.

### **U.S. PATENT DOCUMENTS**

	<b><u>Document No.</u></b>	<b><u>Date</u></b>
A1	5,976,568	11/2/1999
A2	2002/0132219	9/19/2002
A3	2002/0155163	10/24/2002

### **FOREIGN PATENT DOCUMENTS**

	<b><u>Document No.</u></b>	<b><u>Date</u></b>	<b><u>Country</u></b>
B1	WO 02/076436	10/3/2002	PCT
B2	WO 01/32168	5/10/2001	PCT
B3	WO 02/072086	9/19/2002	PCT
B4	EP 1 177 789 A2	2/06/2002	Europe
B5	WO 2004/017766 A1	3/04/2004	PCT

### **OTHER DOCUMENTS**

- C1 K. Rett *et al.*, "*Alpha-Liponsäure (Thioctsäure) Steigert die Insulinempfindlichkeit übergewichtiger Patienten mit Typ-II-Diabetes,*" Diabetes und Stoffwechsel, vol. 5, pp. 59-63 (1996).
- C2 McCarty, M.F., "*Toward Practical Prevention of Type 2 Diabetes,*" Medical Hypotheses vol. 54, no. 5, pp. 786-793 (2000).
- C3 McCarty, M.F., "*Hepatothermic Therapy of Obesity: Rationale and an Inventory of Resources,*" Medical Hypotheses, vol. 57, no. 3, pp. 324-336 (2001).

The Examiner's independent consideration of all of these documents and their relevance before issuance of the first official action is respectfully requested. The Examiner is also requested to initial and return a copy of the accompanying form PTO-1449 to evidence such consideration.

Copies of the International Search Report and International Preliminary Examination Report are included herewith. All documents cited in these reports are identified herein and copies of all documents other than U.S. Patent Documents are

provided. See MPEP § 609(III)(A)(2)(A) (8<sup>th</sup> Ed., Rev. 2, May 2004, p. 600-128); See also 1276 OG 55 (August 5, 2003) (Waiving the requirement under Rule 98(a)(2)(1) to provide a copy of each cited U.S. patent document for any application filed after June 30, 2003.).

This Information Disclosure Statement is being filed in accordance with the provisions under 37 C.F.R. §1.97(b)(2), within three months of the date of entry of the national stage of the national application. Accordingly, no fee is believed to be due. If, however, a fee is due, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

Respectfully submitted,

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Form PTO-1449 (Rev. )	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 21478USWO (C038435/0187441)	INTERNATIONAL APPLICATION NO. 10/533858 PCT/EP2003/010838
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANT Daniel RAEDERSTORFF <i>et al.</i>	
		INTERNATIONAL FILING DATE 30 September 2003	GROUP Not Yet Assigned

## U.S. PATENT DOCUMENTS

Examiner Initial	Cite No.	U.S. Patent Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A1	5,976,568	11/2/1999	Riley			
	A2	2002/0132219	9/19/2002	McCleary			
	A3	2002/0155163	10/24/2002	Benjamin <i>et al.</i>			

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	B1	WO 02/076436	10/03/2002	PCT				
	B2	WO 01/32168	5/10/2001	PCT				
	B3	WO 02/072086	9/19/2002	PCT				
	B4	EP 1 177 789 A2	2/06/2002	Europe				
	B5	WO 2004/017766	3/04/2004	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

C1	K. Rett <i>et al.</i> , "Alpha-Liponsäure (Thioctsäure) Steigert die Insulinempfindlichkeit übergewichtiger Patienten mit Typ-II-Diabetes," <u>Diabetes und Stoffwechsel</u> , vol. 5, pp. 59-63 (1996).
C2	McCarty, M.F., "Toward Practical Prevention of Type 2 Diabetes," <u>Medical Hypotheses</u> vol. 54, no. 5, pp. 786-793 (2000).
C3	McCarty, M.F., "Hepatothermic Therapy of Obesity: Rationale and an Inventory of Resources," <u>Medical Hypotheses</u> , vol. 57, no. 3, pp. 324-336 (2001).
EXAMINER	
DATE CONSIDERED	
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	